

AGENDA NO: A-6

MEETING DATE: July 14, 2015

Staff Report

TO: Honorable Mayor and City Council

DATE: July 7, 2015

FROM: David Buckingham, City Manager

SUBJECT: Letter in Response to Grand Jury Report Titled "Morro Bay Municipal Code Enforcement: Band-aid or Process?"

RECOMMENDATION

Staff recommends the Council approve the attached response to the Grand Jury report about code enforcement in Morro Bay.

ALTERNATIVES

Make substantive changes to the letter during this Council meeting for staff to incorporate into the letter for the Mayor's signature.

FISCAL IMPACT

None

BACKGROUND

In early May, the San Luis Obispo County Grand Jury released a report entitled "Morro Bay Municipal Code Enforcement: Band-Aid or Process?" A copy of that report is attached. The City is required to respond in writing within 90 days of receipt of the report.

DISCUSSION

The Grand Jury report contained seven findings and four recommendations. Previous to receiving the report, the City had already begun to focus on improving our code enforcement effectiveness and have taken a number of important actions since receiving the report. The attached letter, to be signed by the Mayor, appropriately addresses the Grand Jury report.

ATTACHMENTS

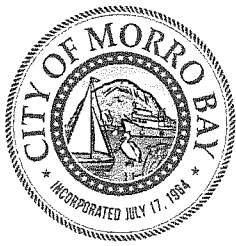
1. Draft letter with attachment
2. Grand Jury Report submitted 5/5/15

Prepared By: DB

Dept Review: _____

City Manager Review: *DB*

City Attorney Review: JWP



CITY OF MORRO BAY

CITY HALL
595 Harbor Street
Morro Bay, CA 93442

July 14, 2015

The Honorable Dodie Harman
Superior Court of California
1035 Palm Street, Room 355
San Luis Obispo, CA 93408

Dear Presiding Judge Harman,

The City of Morro Bay is in receipt of the grand jury report titled *Morro Bay Municipal Code Enforcement: Band-Aid, or Process?* (the "Report"). That report confirmed the steps the City had already begun to take were appropriate. Although we are not responding in a point-by-point manner to the issues the Report raises, the below provides a complete response to those points and meets the spirit and intent of the Penal Code. The actions taken and to be taken by the City, as described below, were the result of the City Council exercising its local authority to govern the community of Morro Bay as the Council determines most appropriate, after considering applicable legal, financial and practical considerations.

While over some years code enforcement in Morro Bay has been neglected, new leadership in the City is serious about markedly improving the quality of life in the community through a more effective code enforcement program. It should be noted during the Fiscal Year 2014 - 2015 budget process a code enforcement position was proposed however Council elected to invest in a City assessment by an independent firm to evaluate the City as a whole. This City Assessment served as valuable tool for our community and the City Council to identify needs and concerns and take appropriate action. In fact, on February 18 of this year the Council adopted seventy-three specific Fiscal Year 2015-2016 objectives. Objective 4-d is titled "Code Enforcement" and reads: "Bring a proposal for a proactive code enforcement program to Council for decision and immediate implementation." A copy of those adopted objectives is attached.

The findings in the Report are not inconsistent with the Council's own observations. Those observations served as the driving rationale for adopting that above-noted code enforcement objective, and the action the City Council has subsequently taken. The City Council has already acted on our Code Enforcement objective and, as a result, the City staff is in the process of implementing a proactive community enhancement/code enforcement program. Specifically:

- The City of Morro Bay 2015-2016 Budget, adopted on June 9, 2015, allocated \$100,000 to hire one or more code enforcement officers. Staff anticipates advertising for those positions this month.

- Staff is currently developing a thoughtful, proactive code enforcement system and process. The preparatory phase for implementation is in progress and includes staff training, community information and technology emplacement. A complete staff briefing on our code enforcement system is currently scheduled for the Council agenda for September 22, 2015, with the goal of the proactive system going live on October 1st.
- The adopted budget includes funding for code management software that will be synchronized with our website to allow seamless and transparent receipt, processing and disposition of code enforcement concerns.

Thank your for the opportunity to respond to the Report. In addition, we appreciate a fundamental goal of the San Luis Obispo Civil Grand Jury is to provide input to assist local decision-makers with reviewing constituents' legitimate concerns, as we work to make our jurisdictions better places to live, work and visit.

Respectfully,

Jamie L. Irons, Mayor

C: San Luis Obispo County Grand Jury



CITY OF MORRO BAY

CITY HALL
595 Harbor Street
Morro Bay, CA 93442

Memorandum For City Council, Staff and General Public

Date: Feb 18, 2015

Subject: 2015-2016 City Goals and Objectives

1. **Purpose.** The purpose of this document is to identify City of Morro Bay Goals and Objectives. These 10 goals represent areas of general interest and priority for the City and are presented for adoption at the Feb 24, 2015 City Council meeting.
 - a) These goals were initially developed in the spring of 2013 and were discussed, modified and reaffirmed in January and February of 2015. These goals are intended to remain valid and in force at least through June 2016.
 - b) The program objectives under each goal identify a number of specific objectives the City intends to accomplish in the February 2015 to June 2016 time period. Accomplishing these objectives, however, is dependent on adequate resourcing – both staff time and money. Thus, some objectives may not be completed if adequate resources are not allocated during the fiscal year 2015/2016 budget process.
 - c) City staff intends to develop simple action plans, including milestones and basic metrics, for each of these program objectives. Staff will update the Council on the status of work on each objective in the autumn of 2015.
 - d) During 2015, the City intends to develop a strategic planning framework and adopt City Vision, Values and Mission. The City further intends to conduct a new goal setting process in 2016 to identify a new set of 5 year goals relevant for the second half of this decade, and specific 2-year objectives related to each goal. The City hopes the strategic planning framework will synchronize long term goals with 2-year objectives, a 2-year budget cycle, and the two year election cycle.
2. **Goals and Objectives.** Following are the City of Morro Bay's 10 Goals and subordinate program objectives:

Goal #1 - Develop New WRF

- a) **Public Input.** Ensure robust WRFCAC and public engagement for major WRF decisions.

- b) **Governance.** Bring a recommendation to City Council for the governance structure with the Cayucos Sanitary District for the future WRF.
- c) **MOU for Now.** Bring a recommendation to Council for an interim agreement with the Cayucos Sanitary District defining the roles and responsibilities for the preliminary engineering and environmental review phase of the WRF project.
- d) **Fatal Flaws.** Complete a detailed “fatal flaws” analysis of the “Rancho Colina” site including: Cultural Resources, Biological Resources, Geotechnical and Groundwater.
- e) **FMP.** Complete the first phase of Facilities Master Plan, including: consultant team selection, decision regarding direction for the use of reclaimed water and a robust analysis of new treatment technologies that meet the anticipated requirements for use of reclaimed water.
- f) **Environmental Review.** Complete an Initial Study for the preparation of an appropriate environmental review document.

Goal #2 - Improve Streets

- a) **Streets Ballot Measure.** Research and bring to Council for decision a ballot measure for a district transaction tax, Bond measure or other financing mechanism that would provide revenue to secure financing to rebuild/repair all Morro Bay streets in 5 years.
- b) **Traffic Management Plan.** Prepare and bring to Council for adoption a neighborhood traffic management plan for both residential and commercial neighborhoods that is consistent with the State of California’s “Complete Streets” requirements and improves safety and access for all users: vehicles, bikes, and pedestrians. Implement five traffic safety and/or calming measures, as recommended in the adopted plan.
- c) **Traffic Control Measures.** Prepare an asset database and maintenance plan for all traffic control devices, including signs, signals, feedback devices and pavement markings.
 - i) Refresh marking of all crosswalks; stop bars; legends; parking stall markings; and bicycle lane marking in commercial districts, collector and arterial streets, designated pedestrian routes, and on all routes to schools.
 - ii) Replace 20-percent per year of the regulatory signs that do not meet FHWA’s retro-reflectivity requirements.
- d) **Pavement System.** Update the Pavement Management System software and inspection verification to evaluate streets for maintenance needs. Crack seal all applicable streets in the East Beach Tract (AKA Island Streets).

- e) **Bike Needs.** Bring one or more unmet bike needs and/or maintenance of existing bike paths to Council for funding consideration in the 2015/2016 budget process.

Goal #3 - Review and Update Significant City Land Use Plans

- a. **GP/LCP.** Complete GP / LCP update and integration by December 2017.
- b. **Secondary Unit Ordinance.** Complete revision / update of the City's Secondary Unit Ordinance.
- c. **Sign Ordinance.** Complete revision / update of the City's Sign Ordinance.
- d. **Neighborhood Design.** Develop and implement neighborhood design guidelines.
- e. **Downtown Specific Plan.** Update the existing Downtown Specific Plan for implementation and certification with design guidelines to establish the identity and vision of downtown, include "Old Town" resolution as part of the update process.

Goal #4 - Maintain Core Public Safety Services

- a. **CERT and EOC.** Complete four regional Community Emergency Response Team (CERT) courses with bi-monthly continuing education for our citizens and enhance our Emergency Operations Center (EOC) position training for City employees, volunteers, and City Council.
- b. **Drought Annex.** Complete the drought annex to Part II of our City's Multi-Hazard Emergency Response Plan.
- c. **IT Communication.** Create and implement IT solutions to enhance public safety communication to the community.
- d. **Code Enforcement.** Bring a proposal for a proactive code enforcement program to Council for decision and immediate implementation.
- e. **Emergency Plan Updates.** Complete all emergency plan updates presented by San Luis Obispo County Office of Emergency Services that affect our Mass Casualty, Nuclear, Hazardous Materials, and Tsunami events.
- f. **Body-Worn Cameras.** Complete implementation of body-worn camera technology for all police officers.
- g. **PD Strategic Planning.** Establish Police Chief's Advisory Committee and complete Police Department Strategic Plan to enhance organizational efficiency and community collaboration.

- h. **Public Safety Ordinances.** Bring to Council ordinances related to emerging public safety trends.
- i. **FD Strategic Plan.** Complete a Fire Department strategic plan update to improve organizational efficiency.

Goal #5 - Ensure Fiscal Sustainability

- a. **Budget Process.** Retool the City's budgeting process, improving transparency and simplicity while considering biennial and program-based budgeting. Develop a 5-year strategic budget forecast.
- b. **Financial Reporting and Oversight.** Bring to Council a recommendation to establish a Financial Oversight body. Develop an improved process for financial reporting that is transparent and easy to understand.
- c. **Capital Replacement.** Establish capital replacement accounts in FY 2015/16 for all major capital assets and include a minimum contribution to each account in the 2015/16 budget.
- d. **Fee Recovery.** Review and bring to Council for decision balanced cost recovery for City fees and charges (AS)
- e. **Management Partners.** Research and implement or bring to Council for adoption or rejection all Management Partners recommendations (AS)
- f. **Vehicle Leasing.** Research and decide on City vehicle leasing vs. ownership policy.
- g. **Energy.** Explore renewable energy projects that reduce energy costs.

Goal #6 - Support Economic Development

- a. **LEAP.** Provide a high degree of staff support and participation in the Local Economic Action Plan process; bring appropriate LEAP proposals to Council.
- b. **Economic Development Strategic Plan.** Bring to Council for decision, a proposal to retain a consultant to help the City create a 5-year Economic Development Strategic Plan.
- c. **High-Speed Fiber.** Coordinate and bring to Council for decision, options for a public / private partnership to deliver high-speed fiber connectivity in Morro Bay
- d. **Tri-W Property.** Research and bring to Council for decision and possible incorporation into the General Plan / LCP, partial business development of the "Tri-W" property while preserving a large portion of the space as a green belt and dedicating a portion to affordable housing.

- e. **Marine Services Facility.** Evaluate the ongoing boatyard studies and bring to Council for guidance, the feasibility and/or proposals for establishing a marine services facility in Morro Bay.
- f. **Event Coordination.** Implement, or bring to Council for decision, appropriate measures to improve event coordination and support in Morro Bay and consider an event coordinator function.
- g. **Chamber of Commerce/Tourism Bureau Relationships.** Evaluate, analyze and present to Council alternate models for partnerships between the City and both the Chamber of Commerce and Morro Bay Tourism Board.
- h. **Projects.** Continue forward momentum on various projects including: Maritime Museum, Marine Research Center / Aquarium, Coast Guard facility, and Tidelands Park fish cleaning station.

Goal #7 - Improve City Infrastructure, Facilities and Public Spaces.

- a. **Old Town Link.** Design and bring to Council for approval a specific plan to link the Embarcadero with Old Town at Centennial Parkway. If approved, begin work as soon as resources allow.
- b. **Embarcadero Promenade.** Develop constraints and cost analysis, then pilot, design and bring to Council for decision, an Embarcadero Promenade project to widen the west side Embarcadero sidewalk to ~15 feet as part of a Waterfront Master Plan.
- c. **Parking.** Leveraging the 2007 Parking Management Plan, begin implementation of specific parking management and improvement actions, including enforcement and targeted use of pay parking. Consider implementation of 60/90-degree angle center aisle parking to increase parking density. Consider lease of vacant lots for parking. Convert the "triangle lot" to temporary parking and plan for its future use.
- d. **ADA Compliance.** Complete a full ADA compliance assessment of all City facilities and develop a plan to address issues, budgeting and executing for an appropriate amount for ADA compliance in FY 15/16.
- e. **Needs Assessments.** Complete Harbor and Police Department's needs assessment for recapitalization of department buildings.
- f. **City Property.** Research and bring to Council for consideration, best future use of all City properties.

- g. **Sidewalk Improvement.** Conduct a complete assessment of all City sidewalks and develop a plan for grinding and/or replacement with a focus on parks, school zones and business districts.
- h. **Sidewalk Responsibility.** Bring to Council for decision, a process for implementation of the California Streets and Highways requirements for street frontage maintenance.
- i. **Street Signs.** Design and bring to Council for decision, a distinctive design that captures Morro Bay's image for new street name signs.
- j. **Way-Finding Signs.** Update and/or replace 20% of "way-finding" signs across all of Morro Bay.

Goal #8 - Enhance Quality of Life

- a. **New Pool.** Develop and implement a plan to operate the community-use portion of the new high school pool, including a new Joint Use Facilities Agreement with the San Luis Coastal Unified School District (SLCUSD).
- b. **Access to Healthcare.** Initiate outreach to appropriate healthcare providers with the goal of reestablishing a health center in Morro Bay that provides improved accessibility to our medically underserved residents.
- c. **Funding of Non-City Events.** Develop and bring to Council for approval, policies and procedures regulating the use of City funds for non-City events.
- d. **City Events.** Bring to Council for decision, a list of City of Morro Bay sponsored events. Focus resources to enhance those events.
- e. **QOL Survey.** Implement annual community quality of life/customer service surveys.
- f. **Community Needs Assessment.** Conduct a community needs assessment to reestablish recreational priorities for residents and visitors.
- g. **Recreation Program Improvements.** Improve marketing and execution of core recreation programs.

Goal #9 - Improve Water Supply Diversification

- a. **State Water.** Conduct an assessment of the long-term requirements for continued participation in the State Water Project, conduct initial determination what level of participation is appropriate, and identify timeline for contract renewal.

- b. **DeSal Permit.** Complete the Coastal permitting of the City's existing desalination plant support infrastructure including the seawater wells and the outfall.
- c. **Rate Study.** Complete the ongoing water (and sewer) rate study and bring to Council for decision, a balanced plan to ensure the fiscal sustainability of City Water (and Sewer) Funds
- d. **WRF Water Usage.** Develop a reuse plan for WRF recycled water that protects and enhances the City's current water supply, while considering additional appropriate uses of recycled water in accordance with the City's approved Local Coastal Plan policies.
- e. **Regional DeSal.** Research and, if appropriate, bring to Council for information, the potential of a public-private partnership (3P) to design, build and operate a regional desalination facility (eg Poseidon Facility) that could sell drinking water into regional / state water system.
- f. **Conservation.** Continue City implementation and community education to improve water conservation.
- g. **Groundwater Improvement.** Evaluate Morro and Chorro creek groundwater basins for salts and nutrients and identify strategies to improve water quality and annual capacity of water source.

Goal #10 - Improve City Operations

- a. **Public Input.** Provide opportunities for robust public involvement and input in all major City decisions.
- b. **Vision, Values and Mission.** Develop and bring to Council for adoption, City of Morro Bay Vision, Values and Mission Statement.
- c. **Strategic Planning.** Research and bring to Council for adoption, a City strategic planning framework.
- d. **Information Technology.** Fundamentally remake IT operations in the City - consider every approach, system, platform, software solution and best practice to gain efficiency, effectiveness, collaboration and transparency using IT solutions. Write IT Master Plan.
- e. **Public Information.** Measurably improve public information and public outreach, maximizing IT solutions while ensuring residents less tech-oriented have appropriate access to public information.
- f. **Water Metering and Billing.** Research and bring to Council for decision, a contracted arrangement for automated water meter reading and complete billing operations.

- g. **Customer Service.** Take customer service to world class level. Develop and implement employee customer service standards. Develop and implement an employee recognition system for providing great customer service.
- h. **Grants.** Research and apply for all possible grants to help fund renewal, operations and capital improvements.

A handwritten signature in black ink, appearing to read 'David W. Buckingham', with a stylized flourish at the end.

David W. Buckingham
City Manager

MORRO BAY MUNICIPAL CODE ENFORCEMENT: BAND-AID OR PROCESS?

Should the City of Morro Bay make a transition from a citizen complaint-driven municipal code enforcement process to a proactive, managed code enforcement process?

INTRODUCTION

Municipal codes help establish the administrative framework for the health and safety of a community, its residents and visitors. Code enforcement also affects the visual and environmental aspects of a community.

Over the past decade, economic events such as loss of power plant funds and significant reductions to the fishing industry have resulted in a renewed interest by Morro Bay officials to revitalize its waterfront and increase other tourist-friendly projects. These activities can provide the potential for increases in revenues to support needed city services such as code enforcement which can improve tourist impressions.

This investigative report presented by the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) describes deficiencies in the current approach to municipal code enforcement and offers recommended changes that may benefit Morro Bay, its residents and visitors.

ORIGIN

Following a review of a Morro Bay citizen complaint, the Grand Jury solicited additional comments from Morro Bay residents about the lack of municipal code enforcement. This led to investigation of the process and effectiveness of current enforcement and how violations of these codes are addressed.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of cities within the county.

METHOD

The Cities and Special Districts Committee of the Grand Jury interviewed relevant city officials, staff and Morro Bay residents for this report. In addition, it reviewed pertinent Morro Bay municipal codes and ordinances and Morro Bay's website with its links to departmental web pages. Finally, it researched how several other cities in the county manage municipal code enforcement.

BACKGROUND

Morro Bay is a seaside community incorporated as a city in July 1964 and currently has a population of approximately 10,500. During its 2002-2003 fiscal year Morro Bay experienced a 27% decrease in its General Fund revenues (\$13.2M to \$9.7M) due to the loss of power plant funds. At the same time the Operating Expenses increased 10% (\$9.7M to \$10.8M).¹ As a result plans were put into place requiring priority setting to reduce expenses. In response the position of code enforcement officer was vacated in 2005 and code enforcement was reduced to a complaint-driven process that continues today.

NARRATIVE

Municipal code enforcement includes application processing with inspection and follow-up of compliance. Municipal code responsibilities also fall under multiple departments within city administration. Most city officials interviewed agree that code enforcement is an important component in maintaining the health and safety of the community, residents and visitors. Additionally, these interviewees agree that proactive management in enforcement could provide

¹ *Assessment of City Organization and Financial Options-2008* report by Management Partners, Inc.

cost-effective citywide compliance. Based on these comments, the Grand Jury examined what steps should be taken for effective code enforcement management. These include the city's ability to receive, address and track complaints to resolution; and the ability of individuals to easily report violations and to be apprised of the outcome of complaints.

Reporting a Municipal Code Violation

The City of Morro Bay makes this process flexible, possibly too much so. Individuals may, and reportedly do, telephone or e-mail the mayor, any city council member, city manager, city hall or any city department with complaints and comments. Frequently, multiple departments receive the same complaint. Morro Bay's website provides a link with telephone and e-mail contact information for the police department operations commander to report code violations. This website also provides a link to the "Let Us Know" web page where completed report forms are directed electronically to specific city departments. Individuals may also complete and submit a complaint form at any city office. While this approach helps ensure individuals are not restricted in their communications with city officials and staff, some city officials admit significant resources are used in attempting to direct complaints to the appropriate department.

The Complaint Investigation Process

When city officials or staff receive an individual's complaint of a possible code violation, their first action is to direct the complaint to the department with the responsibility to resolve it. When staff is not certain which department has the primary responsibility, the complaint is submitted to the city attorney's office for distribution to the appropriate department(s). The investigation process may include discussions with the complainant and possible violator as well as a site visit. City staff attempts to work with violators to obtain voluntary compliance. Many complaints are investigated and resolved by the appropriate department while more complex complaints are referred to an interdepartmental team for resolution.

The Code Enforcement Committee

In 2009 under the guidance of the city attorney and police chief, the Code Enforcement Committee (CEC) was established to address interdepartmental issues and serious health and

safety code violation complaints. Representatives from the city attorney's office, police department, fire department, public services department and building services comprise this committee. Any city staff member may refer a complaint to the CEC. It meets on an as-needed basis (typically every other month) to assign responsibility for these complaints and to confirm status and progress on previously reported but unresolved complaints. To ensure complaints are tracked to resolution, the CEC uses a manual-entry spreadsheet identifying each complaint, the assigned responsible committee member and the current status of the complaint up to and including resolution. This spreadsheet does not track all complaints received by the city, only those referred to the CEC.

City officials acknowledge their current approach only corrects a single violation, instead of addressing similar violations throughout the city. It also requires the time and resources of multiple departments resulting in taking personnel away from their primary job. City officials interviewed agree the employment of a code enforcement officer as a single point of contact would provide a more complete, expedient and efficient process.

Responding to Complainant

City officials explain that while efforts are made to report resolutions to complainants, there isn't a formal process. Individuals may contact city hall staff to inquire about the status of a complaint. Without a readily accessible tracking system, the current status may not be available to staff who are left unable to respond to citizen inquiries.

CONCLUSIONS

While Morro Bay officials provide a wide range of options for its residents to communicate with them, the effectiveness of these communications cannot be determined and so many options may lead to confusion. Efforts to address code violations via a complaint-driven process can create the impression that city personnel do not see problems unless reported.

While the current complaint-driven process may result in correction of a single violation, similar violations at other locations in the city are not identified and therefore not addressed. This results in inconsistent enforcement which can be perceived as unfair.

Absent the existence of effective code enforcement tracking capabilities, comprehensive programs to ensure enforcement plans cannot be developed. The ability to track repeat municipal code violators is also limited.

Perception is reality. The inability to effectively communicate the actions taken and resolutions of reported code violations creates the impression that no action was taken and increases frustration levels among Morro Bay residents.

City officials agree that a focused municipal code enforcement process can:

- Allow department personnel to focus on their primary job
- Track code related application and licensing ensuring fees and penalties are collected
- Provide the capability for citywide enforcement compliance
- Provide the ability to track compliance and code violation complaint resolution

FINDINGS

F1: Morro Bay does not have a code enforcement officer.

F2: Municipal code enforcement in Morro Bay is complaint-driven.

F3: Complaint processing is distributed across multiple departments of the city government and therefore is a drain on city resources.

F4: Code enforcement targets only the violation at a specific location identified in a complaint resulting in the appearance of unfairness and inconsistency.

F5: Comprehensive tracking of all complaints and code violations by Morro Bay does not exist.

F6: Effective preventive actions or proactive management plans cannot be developed without comprehensive tracking.

F7: City hall staff is unable to quickly and effectively provide responses to questions about the status of code violation complaints.

RECOMMENDATIONS

R1: Establish a proactive managed code enforcement process.

R2: Fund and hire a full-time municipal code enforcement officer.

R3: Acquire, install and use a municipal code management software package to track all code violation complaints.

R4: Train staff on use of the new system.

REQUIRED RESPONSES

The mayor of the City of Morro Bay shall respond to Findings 1 through 7 and Recommendations 1 through 3.

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us

California Penal Code Sections 933 through 933.05

Section 933 – Final Reports

- (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.
- (d) As used in this section "agency" includes a department.

933.05. Findings and Recommendations

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.

- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

RESPONSE TO GRAND JURY REPORT

Report Title: Morro Bay Municipal Code Enforcement

Report Date: May 4, 2015

Response by: _____ Title: _____

FINDINGS

1. I (we) agree with the findings numbered: _____
2. I (we) disagree wholly or partially with the findings numbered: _____
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

1. Recommendations numbered _____ have been implemented.
(Attach a summary describing the implementation actions.)
2. Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
3. Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report.)
4. Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: _____ Signed: _____

Number of pages attached: _____